

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

December 10, 2015

A special meeting of the Kentucky Board of Respiratory Care was held on Thursday, December 10, 2015 at Sal's, 3373 Bates Creek Road, Lexington, KY.

MEMBERS PRESENT

Jeff Smithern, RRT, Chair
Dr. Robert W. Powell, Vice-Chair
Tamara G. McDaniel, RRT
Kathleen Kearney Schell
Pamela Boykin, RRT

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

John Marcus Jones, AAG, Legal Counsel

Mr. Smithern called the special meeting to order at 5:45 p.m., at Sal's in Lexington, KY. Mr. Smithern welcomed John Marcus Jones, AAG, to the meeting. Ms. Schell was administered the Oath of Office prior to the meeting.

Minutes

Ms. McDaniel made a motion to approve the October 15, 2015 minutes; seconded by Dr. Powell. Motion carried unanimously.

Continuing Education

Amanda Fryrear, Educator @ Norton Healthcare Inquiry

Ms. Boykin discussed an email inquiry from Amanda Fryrear from Norton Healthcare, Louisville, KY. Ms. Fryrear requested to know if ceu's for courses could transfer with her as Cardiovascular Educator. The Education Committee was in agreement if a person goes to another facility then the ceu's would need to be approved at the new location as a provider.

Complaints

Dr. Powell made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Kathy Schell and carried unanimously. Dr. Powell moved to come out of closed session; seconded by Tami McDaniel. Motion carried unanimously.

Agreed Orders – Compliant Cases

Aubrey Bryant

Mr. Fingerson reported Aubrey Bryant is complaint. No action on the case.

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Amy Golden

Mr. Fingerson reported Amy Golden is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Holly Hall

Mr. Fingerson reported Holly Hall is compliant. No action on the case.

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Sara Sparks

Dr. Powell made a motion to send a warning letter to Sara Sparks due to missed calls to First Lab constitute non-compliance with your KYPRN Monitoring Agreement and Agreed Order. Any future non-compliance could result in disciplinary consequences; seconded by Ms. McDaniel. Motion carried unanimously.

Jill Stacy

Dr. Powell made a motion to send a warning letter to Jill Stacy due to missed calls to First Lab constitute non-compliance with your KYPRN Monitoring Agreement and Agreed Order. Any

future non-compliance could result in disciplinary consequences; seconded by Ms. McDaniel. Motion carried unanimously.

Paul Derrick Sublett

Dr. Powell made a motion to send a warning letter to Paul Derrick Sublett due to missed calls to First Lab constitute non-compliance with your KYPRN Monitoring Agreement and Agreed Order. Any future non-compliance could result in disciplinary consequences; seconded by Ms. McDaniel. Motion carried unanimously.

Mr. Fingerson, RPh, Re: Opioid Replacement Therapy, Driving, Liability

Mr. Fingerson's submission "Opioid Replacement Therapy, Driving, Liability" was requested to be tabled until the next meeting for discussion.

FYI: Agreed Orders Signed – No Actions Needed

James K. Thompson completed his CEU's pursuant to his Agreed Order. Aubrey Bryant sent 2nd letter to stay compliant with her KYPRN and Agreed Order.

Complaint Cases - Updates or Actions Needed

A. Brenda Hayes, KY # 0542

Dr. Powell made a motion to send the Final Order he signed for Brenda Hayes; seconded by Ms. Boykin. Motion carried unanimously. The record shows Mr. Smithern and Ms. McDaniel recused from the discussion and vote on Brenda Hayes.

B. Mary Marcia Fuller, KY 1295

Dr. Powell made a motion for Atty. John Marcus Jones, AAG, Legal Counsel, to update the Board at the next meeting on the pre-hearing conference scheduled with Mary Marcia Fuller and Ms. Durant on December 21, 2015. At this time we will continue the case pending Ms. Fuller signing the Agreed Order of Revocation. If this case does not resolve informally get dates to set a hearing for April 2016 at the next meeting; seconded by Ms. Boykin. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

C. Nancy LaPointe, KY # 0571

Dr. Powell made a motion for John Marcus Jones, AAG, Legal Counsel to contact CMS and get their opinion on the Nancy LaPointe investigation and to update the Board at the February 18, 2016 meeting; seconded by Ms. McDaniel. Motion carried unanimously.

D. Ann Ritucci, KY # 6969

Dr. Powell made a motion for an Agreed Order for Ann Ritucci, KY # 6969 found working without a Mandatory licensure certificate to include a fine of \$750 paid before requesting reinstatement; send a copy of her Agreed Order to the University of Kentucky and Frankfort

Regional Hospital. Legal counsel contact Medicare and Medicaid; seconded by Ms. McDaniel. Motion carried unanimously.

Patrick Spalding

Dr. Powell made a motion for our legal counsel to file a formal complaint with AHB (hearings branch) on Patrick Spalding. The Board was unable to serve Mr. Spalding a certified letter as he failed to report a new address to the Board; update at the next meeting; seconded by Ms. McDaniel. Motion carried unanimously.

Paul Elliott

Dr. Powell made a motion for legal counsel to pen an Agreed Order for Paul Elliott to include a \$500 fine and three (3) months suspension and must be completed before he can apply for reinstatement of his licensure; seconded by Ms. McDaniel. Motion carried unanimously.

Karen Reed

Dr. Powell made a motion to approve Karen Reed, KY # 7149 2016 renewal application; seconded by Ms. Boykin. Motion carried unanimously.

Announcements

Mr. Smithern, Chair, announced the next meeting of the Board would be Thursday, February 18, 2016 at 5:30 p.m., EST at KBRC offices, 163 W. Short Street, Lexington, KY.

Application Review

A motion was made by Dr. Powell to accept all 41 applications since the last meeting; seconded by Tami McDaniel. Motion carried unanimously.

The following **Student applications (17)** were approved:

Tricia Brand, Tina Charles, Aimee Clark, Brendon Denkhoff, Tyler Duvall, Vanessa Goodlett, Allison Holbrook, Cassandra Huckleberry, Stephen Jackson, Julian Jones, Kayla Lewis, Maggie Minnette, Ashley Sargent, Laurie Sparks, Tayler Whitfill, Dana Wilbert and Monica Wilson.

The following **Temporary applications (8)** were approved:

Samantha Carpenter, Joy Durham, Kristin Helmer, Laura House, Ronnie Owens, Jr., Bridget Purcell, Brittany Robertson and Robert Wyan.

The following **NBRC applications (3)** were approved:

Whitney Centers, Angela Evans and Stephanie Kouns.

The following **Reciprocity applications (13)** were approved:

Gregory Barrios, Ashley Butzer, Krystal Darst, Lisa Davis, Tamera Fulkerson, Jerry Griffin, James Hayward, Melissa Long, Scott Mayes, Jill Taylor, Jessica Thomas, Benjamin Thompson and Sabrina Williams.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Dr. Powell and seconded by Tami McDaniel, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Dr. Powell made a motion to adjourn the meeting at 8:14 p.m.; seconded by Pamela Boykin. Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care